

Introduced by Senators Burton and Karnette

(Principal coauthor: Assembly Member Dutra)

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Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 16 to Article XI thereof, by amending Section 4 of Article XIII A thereof, and by amending Section 2 of Article XIII C thereof, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

SCA 3, as introduced, Burton. Local government: special taxes: transportation.

The California Constitution requires a $\frac{2}{3}$ vote of the electorate for approval of special taxes of a city, county, or special district, not including ad valorem taxes on real property or a transaction or sales tax on the sale of real property.

This measure would amend the Constitution to provide that a local jurisdiction, as defined, by a majority vote of its voters voting on the proposition, may impose a special tax, if the tax is imposed exclusively to fund projects and services for the purpose of transportation, as provided.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring,* That
2 the Legislature of the State of California at its 1999–2000
3 Regular Session commencing on the seventh day of
4 December 1998, two-thirds of the membership of each
5 house concurring, hereby proposes to the people of the
6 State of California that the Constitution of the State be
7 amended as follows:

8 First—That Section 16 is added to Article XI thereof, to
9 read:

10 SEC. 16. (a) Notwithstanding any other provision of
11 law, a local jurisdiction, by a majority vote of its voters
12 voting on the proposition, may impose any special tax that
13 it is otherwise authorized by law to impose, provided that
14 the special tax is imposed exclusively to fund projects and
15 services for the purpose of transportation.

16 (b) For purposes of this section:

17 (1) “Local jurisdiction” includes, but is not limited to,
18 a city, county, or special district, or a local government
19 defined by subdivision (b) of Section 1 of Article XIII C.

20 (2) The funding of projects includes the servicing of
21 indebtedness issued for the purpose of funding those
22 projects.

23 (c) In no event shall this section be construed to
24 authorize a local jurisdiction to impose within its
25 boundaries an ad valorem tax on real property, or a
26 transaction tax or sales tax on the sale of real property.

27 Second—That Section 4 of Article XIII A thereof is
28 amended to read:

29 Section 4. ~~Cities, Counties~~ *Except as provided by*
30 *Section 16 of Article XI, cities, counties, and special*
31 *districts, by a two-thirds vote of the qualified electors of*
32 ~~such district~~ *their voters voting on the proposition,* may
33 impose special taxes on ~~such~~ *the respective city, county,*
34 *or district, except ad valorem taxes on real property or a*
35 *transaction tax or sales tax on the sale of real property*
36 *within such City, County the respective city, county, or*
37 *special district.*

38 Third—That Section 2 of Article XIII C thereof is
39 amended to read:

SEC. 2. Local Government Tax Limitation.

Notwithstanding any other provision of this Constitution:

(a) All taxes imposed by any local government shall be deemed to be either general taxes or special taxes. Special purpose districts or agencies, including school districts, shall have no power to levy general taxes.

(b) No local government may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote. A general tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved. The election required by this subdivision shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.

(c) Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision (b).

(d) ~~No~~ *Except as provided by Section 16 of Article XI*, local government may *not* impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote. A special tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.